

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
MEETING ROOM #113
THURSDAY, MARCH 25, 1999
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Bob Workman
Bernie Heier
Linda Steinman

Commissioners Absent: Larry Hudkins

Others Present: Dave Kroeker, Budget & Fiscal Officer
Diane Staab, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF COUNTY BOARD STAFF MEETING MINUTES OF THURSDAY, MARCH 18, 1999

MOTION: Heier moved and Workman seconded approval of the minutes. On call Heier, Workman, Steinman and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- a. Letter from Mort Stelling, Ecological Advisory Committee Chair
- b. Request from Ted DeHass and Sons to Use a County Owned Lot in Denton for Temporary Parking
- c. Incarceration of Dangerous Juveniles (Emergency Item)

MOTION: Heier moved and Steinman seconded to approve the additions to the agenda. On call Heier, Steinman, Workman and Campbell voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit A), reporting that advancement of LB 770, which changes the exempt amount for inheritance tax purposes, by the Revenue Committee is likely, following revision.

Dave Kroeker, Budget & Fiscal Officer, briefly reviewed the following:

- * *Inheritance Tax Collection - Lancaster County (Exhibit B)*

- * *County Inheritance Tax Versus No Inheritance Tax - Impact on Property Tax (Exhibit C)*

Kissel also reported the following:

- * LB 179, which changes homestead exemption provisions, advanced to Select File. Amendments to the bill would increase the costs of the program by 8.7 million dollars.
- * Fiscal impact of amendments to LB 652, which provides for a juvenile correctional facilities master plan and increases the cigarette tax, has not been determined. 60 percent of costs could be reimbursed through Medicare, if Health and Human Services revises the language in their contract.
- * Senator Hudkins has proposed an interim study of LB 708, which changes provisions for admission of persons to State hospitals and use of other facilities.
- * LB 112, which provides for the responsibility for payment of costs of medical services for individuals who are arrested, detained, or taken into custody, was advanced by the Judiciary Committee. Senator Crosby is working to amend this bill to other legislation.

Kroeker noted that Commissioner Hudkins has expressed concern that Douglas County will be the primary beneficiary if LB 610, which changes provisions relating to costs of care and treatment of juveniles, and which is being amended into LB 652, is passed. He indicated that Senator Hudkins does not plan to support the legislation in its current form.

The Board requested Kissel to contact Senator Hudkins regarding her concerns.

Brief discussion took place on LB 406, which requires property owners to pay for refuse removal, with the following concerns noted:

- * The proposed legislation creates an additional level of bureaucracy and regulation
- * Single family and duplex tenants would be treated differently than homeowners under the proposed bill
- * Enforcement of the ordinance
- * Prevention of illegal dumping of garbage in response to the ordinance

Mike Dennis, Real Estate Owners and Managers Association, appeared and reported that his organization has held discussions with Mayor Young and Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division Chief, and identified enforcement as the primary concern in dealing with garbage problems. He encouraged additional funding of the Health Department to provide their agency the necessary resources to address complaints. Dennis stated his organization will continue to work with the City and garbage haulers in addressing garbage problems in rental units, including multi-family dwellings.

In response to a question from Steinman, Dennis stated it is too early to assess the impact of the "Quality of Life" Ordinance with regards to this issue.

Workman suggested requiring all residents to have garbage service as a compromise to the legislation.

MOTION: Workman moved and Heier seconded to continue monitoring of LB 406. On call Workman, Heier, Steinman and Campbell voted aye. Motion carried.

Board consensus to send a letter to the Health Department indicating the Board will continue to monitor LB 406 and requesting that additional information or progress, as a result of discussions with the Real Estate Owners and Managers Association, be reported to the Board.

ADDITIONS TO THE AGENDA

- a. Letter from Mort Stelling, Ecological Advisory Committee Chair

Heier, who serves as the County Board's representative on the Ecological Advisory Committee, reported that the committee had directed Mort Stelling, Chair, to draft a letter with regards to Amendments 16 and 24 of the Comprehensive Plan, for the Ecological Advisory Committee and County Board's approval. Stelling instead sent a letter to the Mayor and members of the City Council and County Board, expressing his personal views on the matter.

Heier suggested that Stelling receive strong direction from the Board with regards to his action, noting he will no longer serve as a member of the Ecological Advisory Committee if it continues to exceed its authority.

MOTION: Workman moved and Heier seconded to:

- a) Authorize the Chair to send a letter to the Mayor and members of the City Council, County Board, and Ecological Advisory Committee stating that the letter from Mort Stelling, Ecological Advisory Committee Chair, should be disregarded, as it did not follow procedures or have the approval of the Ecological Advisory Committee or the County Board
- b) Enclose a copy of the letter from Mort Stelling, Ecological Advisory Committee Chair, in the mailing of the letter from the County Board Chair to members of the Ecological Advisory Committee.

On call Workman, Steinman, Heier and Campbell voted aye. Motion carried.

- b. Request from Ted DeHass and Sons to Use a County Owned Lot in Denton for Temporary Parking

Campbell reported on a request from Ted DeHass and Sons to use a County owned lot in Denton for temporary parking during a paving project (Exhibit D).

MOTION: Heier moved and Steinman seconded to tentatively approve the request, contingent upon the County Attorney's Office drafting an agreement that specifies duration and includes hold harmless provisions. On call Steinman, Heier, Workman and Campbell voted aye. Motion carried.

4 PERSONNEL REQUEST - Don Thomas, Lancaster County Engineer

Don Thomas, Lancaster County Engineer, requested authorization to add one full-time employee (FTE), at an estimated cost of \$35,000, to the budget for a period of nine months to fill a vacancy created when an employee was injured. The employee has since been determined to be unable to return to work, but will remain on the payroll for nine more months until Workers' Compensation and sick leave benefits are exhausted.

MOTION: Steinman moved and Heier seconded to authorize the County Engineer to fill the vacancy. On call Steinman, Heier, Workman and Campbell voted aye. Motion carried.

5 COUNTY BOARD OF ZONING APPEALS NO. 106, REQUESTED BY GARY W KING, VARIANCE OF SIDE-YARD FROM 51.25' TO 20' ON PROPERTY GENERALLY LOCATED NORTH OF MARTELL ROAD, 1/4 EAST OF S 148TH STREET - Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, briefly reported on County Board of Zoning Appeals No. 106, a request from Gary W. King for a variance of the side yard on his property at 15200 Martell Road, from 51.25' to 20' for location of a pole barn, which will be used as a garage (Exhibit E).

DeKalb distributed a handout containing an excerpt from the County Zoning Resolutions, noting that peculiar, exceptional and unusual circumstances must be shown to exist for the specific parcel of land, not generally found within the locality, for an appeal to be granted (Exhibit F). He stated an appeal may not be granted for the general convenience of an applicant. DeKalb also reviewed a checklist of criteria for the Board to consider when hearing a request for variance (Exhibit F).

DeKalb reported that discussion before the County Board of Zoning Appeals on the request focused on concern that a 20' setback could encroach upon road standards, should a road ever come into the area. The request was approved by the County Board of Zoning Appeals, with a revision of the variance from 51.25' to 30'.

In response to a question from Campbell, DeKalb stated the pole barn could probably be located with other outbuildings to the north and still meet setback requirements.

Workman inquired about frontage requirements for 20 acre lots.

DeKalb stated frontage and setback requirements are not enforced on 20 acre lots, as they are considered to be farms.

6 RURAL TRANSIT BUDGET - Tim Howell, Rural Transit Director

Tim Howell, Rural Transit Director, briefly reviewed *Lancaster County Rural Transit Operating Budget Proposal for Continuing Current Service for 1999-2000* and *Lancaster County Rural Transit Total Boardings 1997-1999* (Commissioners' Information Packet), noting the following:

- * Maintenance and Parts line item has decreased, due to the purchase of a new van
- * Schools and Conferences line item has increased, as scholarships from the Nebraska Department of Roads for attendance at the National Transportation Expo are limited
- * Operations Income reflects an increase in federal funding, which reduces Lancaster County's share of program funding

Howell distributed brochures explaining the Lancaster County Rural Transit Program (Exhibit G).

Brief discussion took place on ways to promote the program and increase ridership with the following suggestions:

- * Place coupons in area newspapers
- * Offer one free month of rides
- * Request Judy Adams, Lincoln Action Program Rural Coordinator, to assist in distribution of brochures in rural areas
- * Place brochures in apartment complexes and nursing homes within the County
- * Expand area of service to include the town of Eagle

The Board agreed to announce ridership promotions at a Tuesday, County Board of Commissioners meeting.

MOTION: Steinman moved and Workman seconded to approve the Lancaster County Rural Transit Program Budget for Fiscal Year 1999-2000. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

7 PSYCHOLOGIST CONTRACT - George Hanigan, Community Mental Health Center Director

George Hanigan, Community Mental Health Center Director, explained his staff does not have the expertise to manage cases resulting from outpatient commitments of mentally disordered sex offenders. A contract has been developed with Steven B. Blum, psychologist, to provide four (4) hours of evaluative, individual and group services per week, at a cost of \$65 per hour, for that population. He noted there are sufficient funds in the Community Mental Health Center budget to fund the contract.

NOTE: The Board will take action on this contract at the Tuesday, March 30th, County Board of Commissioners Meeting.

8 MAINTENANCE CONTRACTS - Vince Mejer, Purchasing Agent; Kathy Smith, Assistant Purchasing Agent

Mejer distributed copies of a memo sent to County Departments on April 16, 1992 with regards to maintenance agreements (Exhibit H). He suggested that an updated memo be sent to departments asking them to consider the following:

- * Is the equipment essential for job functions?
- * Will the equipment be replaced in the near future?
- * Does the equipment need frequent repair? If so, is it more cost effective to purchase new equipment?
- * What type of maintenance is being received?

Campbell noted that replacement cost should also be compared with the cost of the maintenance contract.

Steinman added that older equipment may require additional maintenance and replacement should be considered. She also suggested that maintenance contracts may not be necessary on less technical equipment.

Workman suggested that maintenance contract requests include an indication of whether the maintenance contract serves as an insurance contract or covers preventative maintenance.

Heier requested a review of warranties and an inventory to determine whether there are similar machines in the building that could be utilized if equipment needs repair. He also suggested that equipment reliability be assessed prior to purchase.

Campbell suggested that cost of repair on an hourly basis should also be considered.

Heier inquired whether a bidding process for maintenance could be initiated.

Kathy Smith, Assistant Purchasing Agent, stated it depends on the equipment, as some require that repair and ordering of replacement parts be provided through an authorized service center.

Kroeker noted equipment leases sometimes include maintenance provisions.

The Board requested Dave Kroeker, Budget and Fiscal Officer, to draft a letter to County Departments indicating that maintenance contracts will be reviewed with their budgets. The Purchasing Department will also draft a memo with regards to maintenance contracts, differentiating for software maintenance agreements.

ADDITIONS TO THE AGENDA

- c. Incarceration of Dangerous Juveniles - Gary Lacey, County Attorney; Mike Thew, Deputy County Attorney; Dennis Banks, Attention Center Director; Terry Weber, Corrections Department

MOTION: Steinman moved and Heier seconded to enter Executive Session at 10:45 a.m. for discussion of a security issue at the Attention Center for Youth. On call Steinman, Heier, Workman and Campbell voted aye. Motion carried.

MOTION: Workman moved and Steinman seconded to exit Executive Session at 11:24 a.m. On call Workman, Steinman, Heier and Campbell voted aye. Motion carried.

Board consensus to authorize Jim Hille, Sinclair Hille & Associates Inc., to provide information on conceptual design of the new juvenile detention facility to the media.

Diane Staab, Deputy County Attorney, reported a real estate purchase agreement, in the amount of \$500,000, has been drafted for the purchase of property for site of the new juvenile detention facility. She stated the County has agreed to grant the seller up to \$500 in moving expenses to insure possession on September 1, 1999, but the seller has requested that this amount be increased to \$1,000.

Board consensus to authorize \$1,000 in moving expenses for the seller.

Campbell noted for the record that the County Board concurs with the Attention Center Director's decision to move three dangerous juvenile felons from that facility to the adult jail.

MOTION: Steinman moved and Heier seconded to authorize Gary Lacey, County Attorney, to convene a committee that will develop criteria for the transfer of dangerous felons from the Attention Center for Youth to the adult jail facility. On call Steinman, Heier, Workman and Campbell voted aye. Motion carried.

Board consensus to authorize Dennis Banks, Attention Center Director, to provide a statement to the media regarding the recent transfer of three dangerous juvenile felons from the Attention Center to the adult jail facility.

9 ACTIONS ITEMS

- a. Set Tour Date for County-City Building Campus

Board consensus to schedule a tour of County offices in the County-City Building from 9 a.m. to 12 p.m. on April 20th.

- b. Lincoln Action Program Request to Use Parking Lot East of Trabert Hall for Distribution of Produce

Campbell reported that Larry Van Hunnik, Lancaster Manor Administrator, has indicated he would prefer that use of the parking lot be limited to the hours of 9:30 a.m. to 1:30 p.m., to prevent traffic congestion during the shift change.

MOTION: Heier moved and Steinman seconded to authorize Lincoln Action Program to use the parking lot east of Trabert Hall during the hours of 9:30 a.m. to 1:30 p.m. on Saturdays during the summer months for distribution of produce to clients, contingent upon review by the County Attorney's Office and proof of liability insurance. On call Heier, Steinman, Workman and Campbell voted aye. Motion carried.

The Board requested that the agreement also address the following issues:

- * Specific dates for distribution
- * Limiting distribution to Lincoln Action Program's clients
- * Cleanup and disposal of excess or spoiled produce

- c. Lincoln Action Program Request for \$5,000 from Keno Funds for Youth Violence Alternative Program

Kroeker briefly reviewed a request from Lincoln Action Program for an additional \$5,000 for Fiscal Year 1998-1999, and \$3,500 for Fiscal Year 1999-2000 from the Keno Fund for the Youth Violence Alternative Program (Commissioners' Information Packet).

Campbell explained that Keno Fund projects are usually one year in duration, although Lincoln Action Program had considered this a descending grant.

MOTION: Steinman moved and Workman seconded to approve the request for \$5,000 for Fiscal Year 1998-1999, and \$3,500 for Fiscal Year 1999-2000 from the Keno Fund for the Youth Violence Alternative Program. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

- d. Food Bank of Lincoln's Annual Campaign Against Hunger

MOTION: Steinman moved and Heier seconded to authorize the County's participation in the Annual Campaign Against Hunger and to direct Kerry Eagan, Chief Administrative Officer, to assign a Chair for the County. On call Steinman, Heier and Workman voted aye. Campbell abstained from voting, indicating she is a member of the Food Bank's Board of Directors.

10 CONSENT ITEMS

- a. Microcomputer Request C#99067 from the County Attorney's Office for \$1,198.77 from the County Attorney's Budget for Laser Jet Printer and Print Server

MOTION: Steinman moved and Workman seconded approval of the Consent Item. On call Steinman, Workman, Heier and Campbell voted aye. Motion carried.

11 DISCUSSION OF BOARD MEMBER MEETINGS

- a. Information Services Policy Committee - Steinman, Workman

Workman briefly reported on the meeting, noting he plans to tour Information Services.

17 EMERGENCY ITEMS AND OTHER BUSINESS

Board consensus to schedule a special staff meeting on Tuesday, March 30, 1999 immediately following their regular meeting, in Room 113 of the County-City Building.

18 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk